

EXHIBIT B

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Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 IN RE:

4 Methyl Tertiary Butyl:MDL NO. 1358 (SAS)
5 Ether ("MTBE") :
6 Products Liability :
7 Litigation :

8 CONFIDENTIAL (Per 2004 MDL 1358 Order)

9 In Re: City of New York

10 -----
11 April 22, 2009

12 CONFIDENTIAL Videotaped
13 Deposition of WILLIAM A.T. MEAKIN,
14 P.E., held in the law offices of
15 McDermott, Will & Emery, 340 Madison
16 Avenue, New York, New York, beginning at
approximately 10:13 a.m., before Ann V.
Kaufmann, a Registered Professional
Reporter, Certified Realtime Reporter,
Approved Reporter of the U.S. District
Court, and a Notary Public.

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18
19
20
21
22 GOLKOW TECHNOLOGIES, INC.
23 877.370.3377 ph|917.591.5672 fax
24 dep@golkow.com

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1 Q. Are those being accorded 2 any rank in terms of capital 3 expenditures that may have to be spent 4 down the line, or are they in their 5 infancy and you really can't predict the 6 capital spending needs?		1 you are conducting in which the 2 construction of the parallel tunnel may 3 be funded and proceed forward and 4 obviate the need for other projects 5 being undertaken because you're going to 6 actually build the tunnel before you 7 have to take the Rondout-West Branch 8 Tunnel out of service?	
7 MR. REO: Objection.		9 A. My job is to supply the 10 information for DEP and the City of New 11 York, the Mayor, to make an informed 12 decision on what projects we can 13 afford. I cannot tell anybody, sitting 14 right now, the present tunnel, how long 15 it will last and when it needs to be 16 repaired. I can only state right now we 17 monitor it. It is at steady state; the 18 leakage has not gotten any greater. 19 There are no alarms at the moment, but 20 we constantly monitor this tunnel.	
16 Q. And when do you believe the 17 DEP will make the decision concerning 18 what aspects of the Dependability 19 Project will be developed beyond the 20 facility phase and in what order?		21 So for them to make an 22 informed decision, all that information 23 is going to be brought to them and they 24 will be probably asking for more	
21 MR. REO: You mean 22 Dependability Project or Program?			
23 Q. Program.			
24 A. The Dependability Program			
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1 is one of the reasons why we're doing 2 the investigation for the parallel 3 tunnel. At that point, when we have 4 more information, the information of the 5 present jobs that are facility-planned 6 and the rest of the projects that will 7 need to be further investigated, at that 8 point we're anticipating two to three 9 years from now that DEP will have enough 10 information on all the projects to allow 11 it to make an informed decision on 12 which -- the program, the Dependability 13 Program, to get us to allow us to take 14 Rondout-West Branch offline.		1 information, putting an informed 2 decision on the projects needed to allow 3 us to take that tunnel. So I can't 4 predict what's going to happen in three 5 years from now, but I can see a whole 6 host of projects going forward. In 7 fact, there will be a whole host of 8 projects going forward.	
15 Q. With respect to the 16 development of a parallel tunnel, in two 17 to three years will there be information 18 to permit DEP to assess whether or not 19 construction of the tunnel may obviate 20 the need to take the Rondout-West Branch 21 Tunnel out of service?		9 Q. With respect to the 10 ultimate decision as to which projects 11 within the Dependability Program will 12 proceed forward and on what schedule, 13 who ultimately makes that decision?	
22 MR. REO: Objection.		14 A. The ultimate person in 15 charge of the City is the Mayor. 16 Obviously, my old job -- it's not my job 17 anymore -- was to present all the 18 information needed for them to make that 19 informed decision. It will be brought 20 to all the DCs, the deputy commissioners 21 of all the bureaus involved. There will 22 be other Deputy Commissioners involved. 23 BEPA, Kathryn Garcia will be involved. 24 They will be bringing it to the	
23 Q. Put it to you this way: Is 24 there a scenario in the planning that			

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<p>1 this tunnel to find out if the historic 2 reports were accurate and there was 660 3 and there's been changes over the years 4 since the operation that affected the 5 carrying capacity.</p> <p>6 It is also looking at can we 7 increase it -- if that turns out to be 8 no, that was a mistake in the documents, 9 is there other methods of bringing the 10 water from the reservoirs to the City, a 11 higher carrying capacity.</p> <p>12 Q. And that will be one of the 13 three projects that will be through the 14 facility planning stage for decision- 15 making on the Dependability Program 16 sometime down the line?</p> <p>17 A. For the decision, for the 18 ultimate Dependability Program, those 19 are one of the three that would have 20 reached 10% design.</p> <p>21 Q. With respect to Ms. Garcia, 22 has Ms. Garcia ever had any contact with 23 you in which she has expressed any 24 preference as to which of the proposed</p>		<p>1 we've mentioned, 55 --</p> <p>2 THE WITNESS: I think she 3 understands we have to pursue all the 4 projects to get to 400-plus mgd.</p> <p>5 BY MR. STACK:</p> <p>6 Q. With regard to the 55-mgd 7 project, does that contemplate the 8 development of Station 6 as part of the 9 55-mgd production?</p> <p>10 A. Station 6 is not part of 11 the 55 potable water. It is 55 --</p> <p>12 Station 6 is 10 mgd above the 55 mgd or 13 vice versa, 55 is above 10.</p> <p>14 Q. Okay. With respect to the 15 15-mgd project, is that part of the 16 overall Dependability Plan?</p> <p>17 MR. REO: 15, you mean the 18 existing capacity?</p> <p>19 MR. STACK: The emergency 20 capacity, correct.</p> <p>21 THE WITNESS: It goes by 22 many names. The 15 emergency capacity 23 is part of the Dependability Program. I 24 wouldn't call it a separate project. It</p>	
<p>1 major facility plans should be pursued 2 by the department?</p> <p>3 MR. REO: Objection.</p> <p>4 A. She's one of many people 5 that give her my opinion -- give me her 6 opinion what goes forward. I am the 7 project manager. I am the program 8 manager involved with this. I'm doing a 9 facility plan for Dependability. I look 10 at all aspects of the projects. She has 11 her favorites; other people have their 12 favorites. I'm independent. I'm 13 gathering the work to allow them to have 14 an informed decision. I try not to have 15 favorites.</p> <p>16 Q. And has she ever expressed 17 to you any interest in pursuing one of 18 the facility plans over the other, as 19 best you recall?</p> <p>20 MR. REO: One of all the 21 facility plans within the Dependability 22 Program or just the three we've talked 23 about?</p> <p>24 MR. STACK: No, the three</p>	Page 115		Page 117
			<p>1 is facilities we have right now that 2 have stated that can be in operational 3 condition within a couple months.</p> <p>4 BY MR. STACK:</p> <p>5 Q. With regard to the 15-mgd 6 emergency wells, are you preparing any 7 capital budgets to secure new treatment 8 equipment at any of those wells for 9 installation in the future?</p> <p>10 A. In the immediate future, 11 no. When we plan to take the tunnel 12 offline, we will be looking at the 13 complete infrastructure of the City to 14 make sure that we can guarantee we can 15 get 400-plus mgd. If at that time 16 capital money has to be spent on 17 facilities like this, there's always a 18 possibility.</p> <p>19 Q. With regard to the current 20 Dependability Program, does it include 21 the expenditure of capital monies to 22 remove the existing treatment equipment 23 on the emergency wells with a capacity 24 of 15 mgd and replace it with new</p>

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<p>1 treatment equipment?</p> <p>2 A. No. The emergency wells</p> <p>3 have to be up and ready for an</p> <p>4 emergency. We do not want to take</p> <p>5 anything offline or anything. They have</p> <p>6 to be available to us at any time.</p> <p>7 Q. With respect to the design</p> <p>8 phase of Station 6, who is the</p> <p>9 contractor who is going to take the</p> <p>10 Station 6 design to the 10% facility</p> <p>11 plan level?</p> <p>12 A. Station 6 has already gone</p> <p>13 to 10% design level under Malcolm</p> <p>14 Pirnie.</p> <p>15 Q. With regard to the</p> <p>16 contracting work to complete the design</p> <p>17 and construct the project, has that</p> <p>18 contract been awarded to anyone?</p> <p>19 A. That contract has not been</p> <p>20 awarded. We have started preliminary</p> <p>21 work of trying to have a negotiated</p> <p>22 acquisition with the present -- Malcolm</p> <p>23 Pirnie, the present planners.</p> <p>24 Q. What does it mean to have a</p>	<p>Page 118</p> <p>1 by which that is anticipated to be</p> <p>2 completed?</p> <p>3 A. We have started the</p> <p>4 paperwork because the goal was that I</p> <p>5 wanted to be able to be able to jump on</p> <p>6 any opportunity in any of the fiscal</p> <p>7 years coming up if other funds came</p> <p>8 available, that we could instantly push</p> <p>9 the paperwork done and get it signed off</p> <p>10 in that fiscal year.</p> <p>11 There will be a time when</p> <p>12 the guidelines will probably not allow</p> <p>13 me to go to negotiated acquisition. I</p> <p>14 would not say we've reached that point</p> <p>15 at the moment.</p> <p>16 Q. With respect to the point</p> <p>17 at which you will either have a</p> <p>18 negotiated acquisition or no, that would</p> <p>19 be what date that you are going to know</p> <p>20 whether you actually will have</p> <p>21 successfully come up with a negotiated</p> <p>22 acquisition or whether you have to take</p> <p>23 it to bid?</p> <p>24 A. There will be a timeline,</p>
<p>1 negotiated acquisition?</p> <p>2 A. Under the City guidelines,</p> <p>3 rules, PPB rules, you -- there's many</p> <p>4 ways to hire someone, open bidding, such</p> <p>5 things. If they have an existing</p> <p>6 contract on a planning stage, a facility</p> <p>7 plan, and if you stated it was always</p> <p>8 your intent that this designer may take</p> <p>9 other stages of the design, if the DEP</p> <p>10 project management decides that it's</p> <p>11 beneficial to the City to have them</p> <p>12 carry on the design, it's called -- you</p> <p>13 enter into negotiations with them. But</p> <p>14 it has to also make certain rules of,</p> <p>15 you have to prove that it's not</p> <p>16 beneficial to the City to put it on the</p> <p>17 street. You have to prove that it's</p> <p>18 time sensitive, that we really need to</p> <p>19 get this work done as soon as possible,</p> <p>20 such things like that. Guidelines like</p> <p>21 that are involved in any -- in the</p> <p>22 negotiation.</p> <p>23 Q. With regard to the</p> <p>24 negotiation process, is there a deadline</p>	<p>Page 119</p> <p>1 and it's probably within a year or so,</p> <p>2 that we will not be able to go the</p> <p>3 negotiation route, and at that point I</p> <p>4 will -- in my former job the person in</p> <p>5 charge would instructed his people to</p> <p>6 start developing an RFP and get ready to</p> <p>7 put it onto the street.</p> <p>8 Q. If there is an RFP that has</p> <p>9 to be issued for Station 6, what impact</p> <p>10 would that have on the schedule to</p> <p>11 design and build the project?</p> <p>12 A. Right now it shouldn't.</p> <p>13 We're anticipating that that RFP will be</p> <p>14 set in place when the funding is there.</p> <p>15 Q. The funding will be there</p> <p>16 in what fiscal year?</p> <p>17 A. I -- sorry, I have to look</p> <p>18 at the budget, the ten-year budget. I</p> <p>19 would like to say -- can I look at the</p> <p>20 budget, please?</p> <p>21 Q. I think I have the ten-year</p> <p>22 capital plan. Is that what you're</p> <p>23 talking about?</p> <p>24 A. Yes.</p>

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<p>1 THE WITNESS: And here it 2 says implemented schedule, "9 to 10 3 years." 4 BY MR. STACK: 5 Q. With regard to the 6 implementation schedule of nine to ten 7 years, does that include the facility 8 planning phase, if you know? 9 A. The facility planning 10 stages now, no, it's after this work. 11 Q. Okay. So with regard then 12 to the "Brooklyn-Queens Groundwater 13 Project" being referred to on Bates page 14 7017 in Exhibit 17, after the facility 15 planning is completed -- and that is 16 about 2012, I believe you said? 17 MR. REO: I believe he 18 testified earlier it was 2011. 19 MR. STACK: Whichever. 20 BY MR. STACK: 21 Q. You can tell me. 22 A. I'd have to review my 23 notes. I wrote it on my notes, 24 actually, of what we've submitted when I</p>	<p>Page 364</p> <p>1 MR. STACK: The full 55. 2 And I'll clarify. 3 BY MR. STACK: 4 Q. With regard to completion 5 of the project and delivery of all 55 6 million gallons of water to be produced, 7 that will be achieved sometime in the 8 year 2020 or 2021 based on the current 9 schedule? 10 A. My goal in my past job was 11 to ensure that we adhered to the 12 schedule and get it done then or before 13 that, to beat that schedule. So if the 14 question is the schedule time, yes, my 15 job was to make sure that would happen 16 in that scheduled time or better. 17 Q. With regard to the schedule 18 that's set forth here in Exhibit No. 21, 19 and I'm really trying to figure out -- 20 This is a very simple 21 question. You are testifying as a 22 representative of the City. I simply am 23 trying to establish in your capacity as 24 the person most knowledgeable for the</p>
<p>1 was reviewing it. 2 I would say '11. '09 is, 3 yes, '11. 4 Q. Fair enough. Okay. With 5 regard to the 55 mgd project, we will 6 have the facility plan in place, 10% 7 design completed sometime in 2011; 8 correct? 9 A. That's what I recall. 10 Q. With regard to the schedule 11 thereafter, it will take approximately 12 nine to ten years to bring the 55 13 million gallons on line, complete 14 construction and deliver water to 15 customers? 16 A. On this baseball card, yes. 17 Q. And with respect to your 18 testimony as the representative of the 19 City, is it your testimony that the 20 delivery of water from the 55 mgd 21 project will occur sometime between 2020 22 and 2021? 23 MR. REO: Objection. You 24 mean the full 55?</p>	<p>Page 365</p> <p>1 Dependability Program, is it your 2 testimony that this project is going to 3 be completed and on line by 2020 or 4 2021? 5 MR. REO: Objection, asked 6 and answered. 7 A. The job of the chief of 8 that division's job is to adhere to the 9 schedule and do better than the 10 schedule. 11 Q. And with regard to the 12 schedule -- I'm sorry, because I really 13 don't think that was responsive to my 14 question. I apologize. 15 A. I then misunderstood your 16 question, sorry. 17 Q. With respect to the 18 testimony that you are giving here as 19 the representative of the City of New 20 York, what is the date certain by which 21 all 55 million gallons that will be 22 produced in the first phase of the 23 Groundwater Dependability 24 Program/Project in Queens, what is the</p>

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<p>1 date that that will be in service and 2 available to customers?</p> <p>3 MR. REO: Objection. Asked 4 and answered.</p> <p>5 A. The precise date. I can 6 give you a general date of -- the 7 schedule shows, after facility plan, 8 implementation is ten years. If the 9 facility plan is going to be finished by 10 11, so if I add ten years onto that, the 11 outside schedule says 1021 --</p> <p>12 Q. With respect to --</p> <p>13 A. -- 2021.</p> <p>14 Q. With respect to the funding 15 decision to proceed and complete final 16 design and construct these facilities, 17 that decision will be made sometime 18 after 2011?</p> <p>19 MR. REO: Objection.</p> <p>20 A. Sorry. You'll have to --</p> <p>21 MR. REO: Asked and 22 answered.</p> <p>23 A. -- repeat that.</p> <p>24 Q. Yes, sir. With respect to</p>	<p>Page 368</p> <p>1 55 mgd project, and the Rondout-West 2 Branch parallel tunnel project, that at 3 some point in 2011 that information 4 would be provided to the ultimate 5 decision-makers in the City and they 6 would decide which, if any, of those 7 projects would go forward to final 8 design and construction.</p> <p>9 MR. REO: Objection.</p> <p>10 Q. Was I misunderstanding what 11 you said?</p> <p>12 A. I don't know if you 13 misunderstood it, but I'll clarify that 14 when NCA has -- NCA, sorry -- 3 CDA has 15 had enough information, which is two to 16 three years, probably three years, with 17 the other projects that we want to 18 further develop to have -- to be able to 19 provide upper management the resources 20 they could make a decision on the 21 program, the other information that 22 we've already gathered on the Brooklyn- 23 Queens and the Catskill capacity will 24 also be part of all that information,</p>
<p>1 a final decision by the Commissioner and 2 the Mayor to proceed with the 55 mgd 3 project, that will be made sometime 4 after the facility planning phase is 5 completed in 2011?</p> <p>6 MR. REO: Objection, asked 7 and answered. I mean, I don't know that 8 he said it was the Mayor was going to 9 make the decision, but that it goes up a 10 chain that may include the Mayor.</p> <p>11 THE WITNESS: Well, I'm 12 getting confused what you mean by 13 finalized as well. The program -- if 14 we're talking about the program, this 55 15 mgd is in the program already. It's 16 what else is needed to get up to 400 17 mgd, what other projects.</p> <p>18 BY MR. STACK:</p> <p>19 Q. Understood.</p> <p>20 And perhaps I misunderstood 21 your testimony. As I understood your 22 testimony yesterday, you indicated that 23 after the facility planning phase is 24 completed for the Catskill project, the</p>	<p>Page 369</p> <p>1 they will be making a decision on the 2 program.</p> <p>3 But I think I've stated 4 that the 55 and the Catskill is part of 5 the program as I've stated the 15 6 emergency is already part of the 7 program. The Croton filtration plant is 8 part of the program. Cross River -- I 9 don't want to name them all. I don't 10 want to delay the point.</p> <p>11 Q. Understood.</p> <p>12 With respect to the 13 decision point in 2011, at that point in 14 time will the decision-makers, based on 15 what you understand the process to be, 16 have the authority to pick and choose 17 which of these projects may go forward, 18 given whatever the budget constraints 19 are at the time?</p> <p>20 MR. REO: Objection, asked 21 and answered.</p> <p>22 A. I'm caught on the word 23 "authority."</p> <p>24 What do you mean by that?</p>

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<p>1 memory I would have read something like 2 this. I want to make sure. There are 3 several documents on Jamaica Phase I 4 Groundwater.</p> <p>5 Q. Do you want to refer to 6 your notes to do that?</p> <p>7 A. If I could, yes, please.</p> <p>8 Q. Please. By all means. At 9 some point it may be appropriate, too, 10 to just go ahead and mark a copy of your 11 notes unless counsel wants to review 12 them first to see if there's any work 13 product.</p> <p>14 MR. REO: It's already been 15 redacted in anticipation of your 16 request.</p> <p>17 A. I want to make sure the 18 dates are right because there were 19 several -- it doesn't matter about 20 dates?</p> <p>21 MR. REO: No, I'm not saying 22 that.</p> <p>23 MR. STACK: I think counsel 24 is cautioning you that everything you</p>	<p>Page 404</p> <p>1 A. Same T number, January 7, 2 2008.</p> <p>3 Q. Okay. I take it then you 4 did not see the memoranda that was 5 identified as Exhibit 26 for purposes of 6 this deposition?</p> <p>7 A. That would be a fair 8 statement. It's not listed. I would 9 have listed it.</p> <p>10 Q. With respect to the 11 technical report identified as 12 Exhibit 27, the Jamaica Phase I 13 groundwater, did you review that 14 document prior to your deposition?</p> <p>15 April 2008, yes.</p> <p>16 A. Yes, I did.</p> <p>17 Q. With respect to this 18 document, have final decisions been made 19 as to where the treatment facilities 20 should be located in Queens?</p> <p>21 A. As stated before, until the 22 modeling is finished, no, that decision 23 has not been made.</p> <p>24 Q. With respect to -- and this</p>
<p>1 say is being written down.</p> <p>2 MR. REO: And you can think 3 to yourself.</p> <p>4 THE WITNESS: I reviewed my 5 notes twice and I don't see this, the 6 document you just referred to listed on 7 my notes.</p> <p>8 BY MR. STACK:</p> <p>9 Q. Did you review any of the 10 technical memos prepared by CDM/Hazen 11 and Sawyer concerning Jamaica Phase I 12 groundwater?</p> <p>13 A. And I'd have to go back to 14 my....</p> <p>15 I have a Jamaica Phase I 16 groundwater, November 14.</p> <p>17 Q. Of which year?</p> <p>18 A. And there's an addenda to 19 that, Technical Memo T06-02-TM02.</p> <p>20 Q. That is November of which 21 year?</p> <p>22 A. 2007. And there's an 23 addenda to that.</p> <p>24 Q. Okay.</p>	<p>Page 405</p> <p>1 is a chicken and egg question. I 2 apologize. With respect to the siting 3 of wells and treatment facilities in the 4 selection process, which location is 5 going to be identified and selected 6 first for purposes of the Dependability 7 Program? Are you going to identify 8 available sites with sufficient acreage 9 to put a treatment facility or are you 10 going to identify locations where wells 11 will be most productive and water will 12 be cleanest?</p> <p>13 MR. REO: Objection.</p> <p>14 A. My goal when I had -- when 15 I was chief was to fast track this 16 project. I have requested that as soon 17 as possible after the modeling has been 18 done is to identify the well sites first 19 so we can progress with them. So the 20 well sites will take -- they will go 21 concurrently, but the well sites will 22 come quicker.</p> <p>23 Q. Now, in the course of your 24 work on the Dependability Program and</p>

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1 the 55 mgd project, did you learn about 2 which of the existing wells were 3 considered for inclusion in the project 4 and which were not? 5 A. No wells have been excluded 6 or included into the final decision. 7 That's a correct statement. 8 Q. At any point in time were 9 you told that -- 10 A. You know, I just -- there's 11 saltwater intrusion wells. Those are 12 definitely not part of the 55 mgd 13 potable water. 14 Q. Fair enough. 15 What I was going to do is, 16 were you told that Station 45 should not 17 be considered for inclusion in the 18 Dependability Project because of the 19 potential for saltwater intrusion 20 affecting that well? 21 A. If it's a saltwater 22 intrusion well, yes. 23 Q. Now -- 24 A. And I --		1 (Above-described document 2 marked Meakin Exhibit 28.) 3 THE WITNESS: I'm ready for 4 your questions. 5 BY MR. STACK: 6 Q. Yes, sir. First, with 7 reference to Exhibit 28, is it your 8 understanding as a representative of the 9 City of New York in this case who is 10 most knowledgeable as to the 11 Dependability Project -- Program -- I'll 12 rephrase that. 13 As the person most 14 knowledgeable for the City of New York 15 concerning the Dependability Program, is 16 it your understanding that in developing 17 wells in Queens for the 55 mgd project 18 that wells where there is a potential 19 for saltwater intrusion will not be 20 included in the project? 21 A. It will not be included as 22 part of that project, the 55 mgd. 23 Q. And with regard to the 24 stations that were identified, was	
1 Q. Yes, sir. Go ahead. 2 A. Because once I remembered 3 the saltwater, the emergency 15-mgd 4 wells, as well, is not considered part 5 of the 55. They are already in the 6 program. 7 Q. At 15 mgd? 8 A. At 15 -- well, potential 9 15, yes. 10 MR. STACK: And I'll ask the 11 court reporter to mark a document as 12 Exhibit No. 28. And Exhibit No. 28 is a 13 document which appears to have been 14 forwarded to Ms. Barnes and not to you, 15 unfortunately, but I want to see if it 16 refreshes your recollection and we can 17 clarify these locations. 18 NYC-DS-027246 through 248. 19 It's a series of e-mails, June 19, 2008, 20 and June 23, 2008. 21 I provide a copy to you, 22 I'll provide a copy of what has been 23 marked as Exhibit 28 to your counsel and 24 to co-counsel.	Page 409	1 Station 45 one of the stations that have 2 been identified as having potential 3 saltwater intrusion if pumping were to 4 occur at that location? 5 A. According to this exhibit, 6 yes, that is one of the stations. 7 Q. Is Station 45, to the best 8 of your knowledge, being considered for 9 any other project under the 10 Dependability Program? 11 A. It will be, yes. 12 Q. When will it be? 13 A. It is one of the listed 14 projects, the desalination of brackish 15 water. It would come under that 16 program. 17 Q. So if we were to look at 18 the baseball cards in Exhibit 21, the 19 location for Exhibit -- pardon me, the 20 location for Well 45 is one of those 21 that is potentially identified or may be 22 identified for desalinization? 23 A. It has potential of being 24 part of that project. I do not know	Page 411

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1 to produce 55 mgd?		1 would be excluded from further	
2 MR. REO: Objection.		2 consideration for inclusion in that	
3 A. And the answer would be the		3 project?	
4 same as for the other well we just		4 A. For the 55 mgd, yes, it	
5 discussed.		5 will be evaluated in the desal, the	
6 Q. Which is that they are not		6 desalination project.	
7 considering it until such time as the		7 Q. With respect to the joint	
8 modeling is completed?		8 venture project, has a decision been	
9 MR. REO: Objection,		9 made that the joint venture project will	
10 mischaracterization of his answer.		10 not develop or use water from the Upper	
11 A. It is stated that well 39		11 Glacial Aquifer because of its	
12 is not recommended for Dependability at		12 susceptibility to contamination as part	
13 this time.		13 of the 55 million gallon per day	
14 When the model is -- when		14 project?	
15 they are stating this, it's for the		15 MR. REO: Objection.	
16 further development of the budget and		16 A. The joint venture has	
17 the site. When the model is finished		17 stated that deeper wells may produce	
18 and when DEP agrees that the best well		18 better quality water than the upper	
19 locations for the City of New York are		19 aquifer. Until the model is completed	
20 these well locations and this happens to		20 and that is proved out to be correct to	
21 be in that area, it will be		21 gain us 55 potable water, the decision	
22 re-evaluated.		22 hasn't been made which wells are to be	
23 Q. Now, with respect to		23 selected.	
24 well 35 -- 45, is it your understanding		24 Q. Fair enough.	
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1 that the location of well 45 is not		1 MR. STACK: I will ask the	
2 proposed for the Dependability Project		2 court reporter to mark another document	
3 because there is concern that if a deep		3 as Exhibit 31. Exhibit 31 is an e-mail	
4 well was installed there, it would		4 with attachments. It is -- the latest	
5 possibly promote saltwater intrusion?		5 of which is July 13, 2007. It indicates	
6 MR. REO: Objection.		6 that you were copied with this memo	
7 A. It was my understanding in		7 concerning water quality standards for	
8 the previous document you presented to		8 dependability.	
9 me that well 45 has possible saltwater		9 I will provide you with a	
10 intrusion.		10 copy of Exhibit 31, I will provide a	
11 Q. And as a saltwater		11 copy to your counsel and I will provide	
12 intrusion well, well 45 would be		12 a copy of a portion of that to	
13 excluded because the production of		13 co-counsel because the attachment was	
14 water, including water which would		14 not included.	
15 induce saltwater intrusion, is not going		15 This document for the record	
16 to be something you will pursue in this		16 is Bates labeled NYC-DS-053868 and it	
17 phase of the project?		17 includes pages in the e-mail up to	
18 MR. REO: Objection. You		18 3870. Pages 3871 through 3875 are part	
19 mean the 55 mgd project?		19 and parcel of a memorandum to William	
20 BY MR. STACK:		20 Meakin from Gary Kroll, dated July 13,	
21 Q. With respect to the 55 mgd		21 2007, and it is relating to flooding and	
22 project, is it correct that any well		22 water quality considerations.	
23 which is identified as causing or		23 (Above-described document	
24 contributing to saltwater intrusion		24 marked as Meakin Exhibit 31.)	

34 (Pages 436 to 439)